

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FRANK COHN, etc.,

Plaintiff,

vs.

RITZ TRANSPORTATION, INC.; *et al.*,

Defendant.

2:11-cv-1832-JCM-RJJ

SCHEDULING ORDER

This matter came before the court for hearing on February 10, 2012. The Court having heard the representations of counsel hereby enters the following Scheduling Order in this case:

DISCOVERY

1. Discovery in this action shall be completed on or before July 31, 2012.

MOTIONS

2. Any and all pleadings and/or motions that may be brought under the following rules shall be filed on or before May 1, 2012:

- a. Fed. R. Civ. P. 13 regarding counterclaims and cross-claims.
- b. Fed. R. Civ. P. 14 regarding third-party actions.
- c. Fed. R. Civ. P. 15 regarding amended and supplemental pleadings.
- d. Fed. R. Civ. P. 19 & 20 regarding the joinder of additional parties.

(Note: Any party causing additional parties to be joined or brought into this action shall contemporaneously therewith cause a copy of this Scheduling Order to be served upon the new party or parties.)

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- 1 3. Disclosures specified in Fed. R Civ. P. 26(a)(2) shall be made on or before May
2 31, 2012, disclosures respecting rebuttal experts shall be made on or before June
3 29, 2012.
- 4 4. On or before May 31, 2012, the parties shall file an Interim Status Report as required
5 by LR 26-3, stating the time estimated for trial, three alternative dates for trial, and
6 whether or not trial will be proceeding or affected by substantive motions.
- 7 5. Issues Related to the Disclosure or Discovery of Electronically Stored Information -
8 The Plaintiff has not alleged, and the parties do not believe, that this case involves
9 the use or misuse of electronic documents and/or systems. However, with respect to
10 the production of electronically stored information, to the extent feasible, the parties
11 agree that relevant electronically stored information in the parties control, including
12 but not limited to PST files (personal e-mails), word records, if any, will be
13 exchanged by the parties in native computer date or database format.
- 14 6. Issues Relating to Claims of Privilege or Attorney Work Product - the parties
15 acknowledge and agree that while each is taking reasonable steps to identify and
16 prevent disclosure of any document which they believe is privileged, given the
17 volume and nature of material being exchanged, there is a possibility that certain
18 privilege material may be produced inadvertently. Accordingly, the parties agree that
19 a party who produces a document protected from disclosure by the attorney-client
20 privilege, attorney-work product doctrine or any other recognized privilege
21 ("privileged document") without intending to waive the claim of privilege associated
22 with such document may promptly, meaning within fifteen (15) days after the
23 producing party actually discovers that such inadvertent disclosure occurred, amend
24 its discovery response and notify the other party that such document was
25 inadvertently produced and should have been withheld. Once the producing party
26 provides such notice to the requesting party, the requesting party must promptly,
27 meaning within seventy-two (72) hours, return the specified document(s) and any
28 copies thereof. By complying with this obligation, the requesting party does into

1 waive any right to challenge the assertion of privilege and request an order of the
2 Court denying such privilege.

3 7. Dispositive motions in this matter shall be filed on or before August 31, 2012.

4 EXTENSIONS OF DISCOVERY

5 8. An extension of the discovery deadline will not be allowed without a showing of
6 good cause as to why all discovery was not completed within the time allotted. All
7 motions or stipulations to extend discovery shall be received by the Court at least
8 **twenty (20) days** prior to the date fixed for completion of discovery by this
9 Amended Scheduling Order or at least **twenty (20) days** prior to the expiration of
10 any extension thereof that may have been approved by the Court. The motion or
11 stipulation shall include:


- 12 a. A statement specifying the discovery completed by the parties as of the date
13 of the motion or stipulation;
14 b. A specific description of the discovery which remains to be completed;
15 c. The reasons why such remaining discovery was not completed within the
16 time limit of the existing discovery deadline; and,
17 d. A proposed schedule for the completion of all remaining discovery.

18 PRETRIAL ORDER

19 9. If no dispositive motions have been filed within the time frame specified in this
20 Order, then the parties shall file a written, joint proposed Pretrial Order by August
21 31, 2012. If dispositive motions are filed, then the parties shall file a written, joint
22 proposed Pretrial Order within 30 days of the date the Court enters a ruling on said
23 dispositive motions.

24 10. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto shall
25 be included in the pretrial order.

26 DATED this 14th day of February, 2011.

27 
28 ROBERT J. JOHNSTON
United States Magistrate Judge